

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-291V

Filed: August 24, 2017

UNPUBLISHED

JANEE MORRIS,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Causation-In-Fact; Tetanus  
Diphtheria acellular Pertussis (Tdap)  
Vaccine; Shoulder Injury Related to  
Vaccine Administration (SIRVA)

*Joseph A. Vuckovich, Maglio Christopher & Toale, PA, Washington, DC, for petitioner.  
Ryan D. Pyles, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On March 2, 2017, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffers a right shoulder injury resulting from adverse effects of a tetanus/diphtheria/acellular pertussis (“Tdap”) vaccination on April 7, 2016. Pet. at 1 (ECF No. 1). The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 22, 2017, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Resp’s R. 4(c) Rept. at 1. Specifically, respondent “concluded that petitioner’s alleged injury is consistent with [a shoulder injury related to vaccine administration (“SIRVA”)]; that a preponderance of

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

evidence establishes that her SIRVA was caused-in-fact by the Tdap vaccination she received on April 7, 2016; and that no other causes for petitioner's SIRVA were identified." *Id.* at 3. Respondent further agrees that the statutory six month sequela requirement has been satisfied and that petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act. *Id.*

**In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master